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11 United States of America
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14 UNITED STATES DISTRICT COURT

15 SOUTHERN DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,) Criminal Case No. 08-CR-2352-LAB
17 Plaintiff,)
18 v.) **JOINT MOTION TO CONTINUE MOTION
19 HEARING AND TRIAL SETTING TO
20 SEPTEMBER 15, 2008**
21 JORGE MONTES-LEYVA (1),)
22 JUAN PEDRO SIDA-ARELLANO (2),)
23 ALDO MIRAMONTES-CARRILLO (3),)
24 JOVANN ALFREDO ALONSO-PEREZ (4),)
25 Defendants.)
26 _____)
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1 The parties jointly move the Court to continued the motion hearing and trial setting from
2 September 8, 2008 to September 15, 2008. The reasons for this one-week continuance are set forth in
3 the attached Declaration of David D. Leshner. All defendants are in custody, and the parties agree that
4 time is excludable until September 15, 2008 due to the pending motions.

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23 DATED: September 1, 2008. Respectfully submitted,

24 Karen P. Hewitt
25 United States Attorney

26 /s/ David D. Leshner
27 DAVID D. LESHNER
28 Assistant U.S. Attorney

1 DATED: September 1, 2008. /s/ Victor Torres
2 Victor Torres
3 Attorney for Jorge Montes-Leyva
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5 DATED: September 1, 2008. /s/ Howard Frank
6 Howard Frank
7 Attorney for Juan Pedro Sida-Arellano
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DECLARATION OF DAVID D. LESHNER

I, David D. Leshner, declare:

3 1. I am an attorney admitted to practice in the courts of this State and in the
4 United States District Court for the Southern District of California. I make this declaration in
5 support of the parties' Joint Motion to Continue the Motion Hearing and Trial Setting in this matter
6 from September 8, 2008 to September 15, 2008.

7 2. At the initial motion hearing and trial setting on August 25, 2008, the parties
8 informed the Court that Lynn Ball, Esq., counsel for defendant Jovann Alfredo Alonso-Perez, was
9 absent because he was in trial in San Diego Superior Court. Also at the August 25 hearing, the
10 Court relieved Federal Defenders of San Diego, Inc. as counsel for defendant Aldo Miramontes-
11 Carrillo due to a conflict of interest. The Court appointed Timothy Scott, Esq. to represent Mr.
12 Miramontes and continued the motion hearing and trial setting to September 8, 2008 at 2:00 p.m.

13 3. Following the August 25 motion hearing, I contacted all four defense counsel to
14 discuss scheduling issues concerning the continued hearing on September 8. In particular, Mr. Ball
15 informed me on August 28, 2008 that he does not expect his trial will not conclude by September 8
16 and that he will be unable to attend the motion hearing and trial setting on that date. Mr. Ball
17 expects his trial to conclude prior to September 15, 2008 and will be available on that date.

18 4. On August 27, 2008, I spoke with Timothy Scott, recently-appointed counsel for Mr.
19 Miramontes. Mr. Scott informed me that he would join in a motion for a one-week continuance as
20 that would provide him with additional time to familiarize himself with the case prior to the motion
21 hearing. On August 28, 2008, I spoke with Victor Torres and Howard Frank, counsel for Mr.
22 Montes-Leyva and Mr. Sida-Arellano, and both informed me that they would join in a request for a
23 continuance to September 15, 2008.

24 I declare under penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct.

27 DATED: September 1, 2008 /s/ David D. Leshner
DAVID D. LESHNER

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. 08-CR-2352-LAB

Plaintiff,

V.

JORGE MONTES-LEYVA (1),
JUAN PEDRO SIDA-ARELLANO (2),
ALDO MIRAMONTES-CARRILLO (3),
JOVANN ALFREDO ALONSO-PEREZ (4),
Defendant.)

Defendant.

CERTIFICATE OF SERVICE

JORGE MONTES-LEYVA (1),
JUAN PEDRO SIDA-ARELLANO (2),
ALDO MIRAMONTES-CARRILLO (3),
JOVANN ALFREDO ALONSO-PEREZ (4),
Defendant.)

IT IS HEREBY CERTIFIED THAT:

I, DAVID D. LESHNER, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

14 I am not a party to the above-entitled action. I have caused service of **JOINT MOTION TO**
15 **CONTINUE MOTION HEARING AND TRIAL SETTING TO SEPTEMBER 15, 2008** on the
16 following parties by electronically filing the foregoing with the Clerk of the District Court using its
17 ECF System, which electronically notifies them.

Victor Torres, Esq.

Howard Frank, Esq.

Timothy Scott, Esq.

Lynn Ball, Esq.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 1, 2008.

/s/ David D. Leshner
DAVID D. LESHNER